

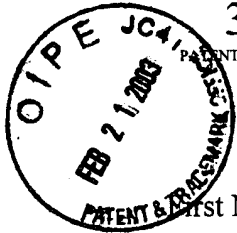
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PATENT TRADEMARK OFFICE

Patent
Case No.: 56777US002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: BERQUIST, DAVID T.
 Application No.: 09/876432 Group Art Unit: 2876
 Filed: June 7, 2001 Examiner: K. Koyama
 Title: RFID DATA COLLECTION AND USE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

February 14, 2003 *Beth M. Lindblom*
 Date Signed by: Beth M. Lindblom

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Dear Sir:

This response is to the Office Action mailed January 15, 2003.

Claims 1-74 have been restricted under 35 U.S.C. § 121 as follows:

- I. Claims 1-49 and 67-74 are said to be drawn to inventory methods of items having an RFID tag, classified in Class 235, subclass 385;
- II. Claims 57-66 are said to be drawn to a converting a non-RFID-tagged item to a RFID-tagged item, classified in Class 235, subclass 383;
- III. Claims 50-56 are said to be drawn to an altering a permissible error tolerance, classified in Class 235, subclass 375.

Applicant hereby elects Group I (i.e., claims 1-49 and 67-74), with traverse, and respectfully requests reconsideration and withdrawal or modification of the restriction.

Were restriction to be effected between the claims in Groups I, II, and III, a separate examination of the claims in Groups I, II, and III would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I, II and III would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories

are so interrelated. Further, Applicant submits that for restriction to be effected between the claims in Groups I, II, and III, it would place an undue burden on Applicant's assignee by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting three applications and maintaining three patents.

The restriction requirement also stated that no drawings were submitted with this application, and that a proposed drawing corrections are required in reply to the Office Action. Included with this Response to the Restriction Requirement is a Request for Approval to Amend Drawings under 37 C.F.R. § 1.121(d) and an accompanying Amendment to amend the specification to include a description of the drawings. Applicants request the Request for Approval to Amend Drawings and Amendment to the specification be accepted.

Respectfully submitted,

February 13, 2003
Date

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